Clause 22.

PRESIDENT: The question is that Clause 22 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 23.

PRESIDENT: Clause 23 may also be similarly dealt with. The question is that Clause 23 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Schedule attached to the Bill.

PRESIDENT: The schedule also may stand part of the Bill.

The question is that the schedule do stand part of the Bill.

The motion was carried and the schedule was added to the Bill.

Preamble and Title of the Bill.

PRESIDENT: The Preamble and Title of the Bill may now be taken up. The question is that the Preamble and Title of the Bill do stand part of the Bill.

The motion was carried and the preamble and title of the Bill were added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill be taken up on a subsequent day and passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second the motion.

The motion was carried.

Amendment to Civil Procedure Code.

MR. P. N. KRISHNA PILLAI (*Secretary to the Legislative Council*): I beg to announce that Rule 5 (1) of Order IX of the Civil Procedure Code as amended by the High Court is laid before the Council.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the rule as amended be taken up for consideration.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second the motion.

The motion was carried.

MR. A. THANU PILLAI (*Trivandrum*): I do not move my amendment.

The amended Rule was accepted by the House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the amended Rule be taken up on a subsequent day and passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The motion was accepted.

Revenue Recovery Regulation Amendment Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) The next item of business is the introduction of the Revenue Recovery Regulation Amendment Bill.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I rise to a point of order. Under Section 11 clause (*a*) of the Legislative Council Regulation, this House is not competent to consider and enact any measure relating to or affecting the Ruling Family of Travancore. The Section reads as follows:—

"It shall not be lawful for the Legislative Council to consider and enact any measure relating to or affecting (*a*) The Ruling Family of Travancore;".

The measure that my friend now proposes to introduce before this House is one which, I submit, affects the realisation of the revenue which is due to the Sreepadom Palace. It has been ruled many a time that similar measures affecting the Sreepadom Palace should be taken to be measures affecting the Ruling Family of Travancore and that therefore this House is not competent to enact any measure relating to the Sreepadom Palace. Under the ruling I have quoted, this House is not competent to pass this Bill.

In this connection, I would bring to the notice of the House that a very innocent proposal which was mooted from this side of the House namely a proposal to give an address to His Highness the Maha Rajah on his attaining the 18th year of age was disallowed by the President of this House on the ground that it is not competent to enact any measure which affects the Ruling Family of Travancore. I may submit that it was the most innocent proposal which anybody can conceive and yet it was disallowed as it affected the Ruling Family of Travancore since under the Section that I have cited, the consideration of any measure affecting the Ruling Family is entirely excluded from the purview of this House.

That being the case, I ask the question, Sir, how this Bill can be moved in the Council and how the Executive authority of the State can be brought into display for realising the revenue of the Sreepadom Palace the members of which Palace belong to the Ruling Family of Travancore. On that ground I raise the point of order and submit that the Bill as it is now proposed cannot be moved in this Council under Section 11 (*a*) of the Regulation.

PRESIDENT: Although it is open to me to give a ruling on the point of order raised, I would considering the importance of the question involved in it invite the views of some of the members at least, upon this question as to what their idea about it is. I would therefore request Mr. Krishna Aiyangar to express his view in the matter.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): It would have been better if I had the advantage of hearing the Law Member in the first instance, for I do not know whether the scope of the Regulation so far as it affects the Ruling Family of Travancore is apparent from the Bill itself or the statement of objects and reasons.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mention is made of Sreepadom Palace in the statement of objects and reasons.

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): It does not appear to me to be part of the Bill. If any exception is moved that it shall not be applicable to—

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I refer Mr. Krishna Aiyangar to this sentence 'the term officer is not however defined, and doubts have been felt whether any officer of the Sreepadom Palace or of a Municipality could be lawfully invested with the powers? So, there, the word Sreepadom Palace is occurring.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): But the Bill is not confined to the Sreepadam Palace. It contemplates several cases where the power of proceeding under the Revenue Recovery Regulation has to be conferred on officers who could not strictly be declared Government officers, that is officers of the Municipality who are realising the Municipal dues under the compulsory provisions of the Revenue Recovery Regulation. Doubts have apparently been expressed whether they have got the necessary statutory power to proceed under the Revenue Recovery Regulation and whether after all they may not be asked to go to the civil courts for the recovery of their dues. If that is the construction that is likely to be placed on the action of the Municipal authorities, then I may say the Municipal administration could be brought to a deadlock. I suppose there may be other cases where a similar enabling measure will have to be passed in order that the existing state of things might be continued. My friend is not quite right in objecting to the introduction of the Bill in its entirety because one part of it refers to Sreepadam Palace estate. I presume subject to correction that the Sreepadam Palace estate belongs to Ranis of the Royal House of Travancore and this Bill does not appear to me to affect the Royal House of Travancore. Affecting the Royal House as I understand it means affecting their status as members of the Royal House. It is not open to this Council to pass any legislation for regulating the succession of the Royal House of Travancore or superseding the claims of some of the members or taking away or interfering in any respect with their prerogatives and privileges. But it is only an accidental circumstance that the Sreepadam estate is being held by the Ranis of Attingal who are no doubt members of the Royal House. I believe that the Travancore Statute law does contain provision regulating the relationship of landlord and tenant and that the Rent Recovery Regulation applies to the Edapalli Estate. That is the law in force at present in Travancore.

PRESIDENT: So far as Sreepadam Estate is concerned the rent due has been declared to be public revenue under the Revenue Recovery Regulation and the Revenue Recovery Regulation has been made applicable thereto.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Then this is only a matter of settling details as to whether persons who are appointed by the Sreepadam Palace should not be

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subject to the disciplinary control of the general Government of the State. Sreepadam revenue is part of the public revenue of the State and if the Sreepadam Palace is allowed to realise its dues from the tenants under the Revenue Recovery Regulation there is no useful purpose to be served by discussing the hypothetical question raised by Mr. K. P. Nilakanta Pillai.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the revenues realisable by the Sreepadom Palace have become part of the public revenue of the State ?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): No. For the purpose of the recovery of their revenues they have been declared to be public revenue. As a matter of convenience and to maintain the prestige and dignity of the Royal House, instead of relegating them to the rank of an ordinary landed proprietor such as the Jenmi, some special consideration appears to have been shown and rightly shown to the occupants and the proprietors of these estates from time to time to help them to recover their revenues on identical terms on which land revenue is collected from Pandarapattom lands. While Mr. Nilakanta Pillai does not object to the Statute law under which the Sreepadam revenue may be collected under the provisions of the Revenue Recovery Regulation the question that he has probably in view is whether as regards the Manager of the Sreepadam Estate which for all practical purposes is not part of the revenue yielding portion of Travancore so far as the general public is concerned. Government would be justified in giving him some legal status to which he is not entitled, if the appointment is not subject to the control of the executive Government for the time being.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I remind the other aspect also if the executive is not competent to control?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): That is just the point I am developing. I realise the apprehension that Government by virtue of this Bill may extend the authority to the Manager who by education, culture and status and antecedents is absolutely—

PRESIDENT: We are on the point of order.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The point of order is whether this Bill can be brought before this Council with a view to legislate indirectly for what could not be done directly.

PRESIDENT: Whether this Bill is repugnant to the provisions of the Legislative Council Regulation is the point that we have to consider.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The point of order relates only to the particular portion of it. In other respects there is not much in it. The objection mainly relates to the investing of Sreepadam officers with some administrative

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[Rao Bahadur K. A. Krishna Aiyangar.]

authority which this House is not competent to legislate about. That is the line in which he is dealing with it. There may be something to be said in support of the position that Government should have administrative control over the parties to whom the statutory power is to be extended. But the main question as the President put it is whether it is repugnant to the Legislative Council Regulation. After giving my anxious consideration I am constrained to come to the conclusion that we do not offend that Regulation by allowing this Bill to be discussed by this House.

MR. A. THANU PILLAI (*Trivandrum*): May I ask whether this House has got power....

PRESIDENT: This is not a discussion. I invited the views of Mr. Krishna Aiyangar on the point of order raised and before I pass my ruling I shall if I want your views ask you to speak. As you know, it is only with the permission of the Chair that you can discuss, because discussion is not permissible in the case of a point of order.

MR. A. THANU PILLAI (*Trivandrum*): I wanted to know whether it is his opinion that we can legislate regarding matters relating to Kandukrishi and Sreepadom lands?

PRESIDENT: So far as that is concerned the Statute lays down (that is explanation to Section 1) that pattam due on Kandukrishi and Sreepadom lands are within the meaning of this definition *i. e.* the definition of the term 'public revenue' that we have in the Revenue Recovery Regulation as it stands.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With your permission Sir, I also want to ask a question.

PRESIDENT: As I pointed out it is a point of order, and the members have a right to address the President only if they are called upon to do so, because a discussion is not allowed. And it is because before giving my ruling on the point I desired to have the views of some of the members that I called upon Mr. Krishna Aiyangar first to express his views, and now I am calling upon Mr. Thanu Pillai to give me the benefit of his views also. As you know, when one member is in possession of the House I don't think it will be in order for other members to speak.

MR. A. THANU PILLAI (*Trivandrum*): The fact that the definition of the term 'public revenue' in the Revenue Recovery Regulation covers also Sreepadam dues does not in my opinion affect the question before the House. That Regulation was not passed by this House, if I remember correct.

PRESIDENT: I do not know whether that would make any distinction. A Regulation passed before this House was brought into existence will have as much statutory force as the Regulation passed by this House.

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MR. A. THANU PILLAI (*Trivandrum*): I do not for a moment dispute the validity and the force of such a Statute. My point is whether we can legislate for matters relating to recovery of dues to be paid to the Sreepadam Palace. That is the only question before the House. No doubt the law that was passed before this Council came into existence was passed by a similar Council. But that does not affect the question whether this Council has got a right to legislate for this matter. We are controlled by Section 11 of the Legislative Council Regulation which runs thus:—

"It shall not be lawful for the Legislative Council to consider and enact any measure relating to or affecting.

(*a*) The Ruling Family of Travancore."

Apart from all considerations relating to the existing Revenue Recovery Regulation which was passed under a different set of circumstances, apart from a question of that nature we have only to consider whether this House has a right to consider a measure like this. To me it appears that it will be idle to contend that the proposed measure is not one affecting the Ruling Family of Travancore. It clearly affects the Sreepadam Palace management. The statement of objects and reasons clearly says thus:

"The term 'officer' is not however defined, and doubts have been felt whether any officer of the Sreepadam Palace or of a Municipality could be lawfully invested with the powers. To remove such doubts an 'Explanation' is proposed, by this Bill, to be added to Section 58."

And the explanation now proposed is as follows:—

"Explanation.—The expression 'officer' includes, for the purposes of this Section, every officer of Our Government and every officer of a Municipality as also every person employed for, engaged in, or responsible for, the collection of any public revenue or the dues of any local authority."

The clear object here is to enable Sreepadam employees to take action under the Revenue Recovery Regulation. If this Bill is brought forward with any object at all that is clearly the object. Of course, the learned Deputy President Mr. Krishna Aiyangar, may say that is only part of the object of the Bill. But that makes no difference. The Bill ought to have been put into this House with the object of providing for the collection of municipal dues and then there would have been no objection. But here is a Bill which apparently at any rate seeks to enable the Sreepadam employees being invested with the powers under the Revenue Recovery Regulation. The fact that the term public revenue under the Revenue Recovery Regulation covers the Sreepadam dues does not affect the question before us at all. That has nothing to do with it.

PRESIDENT: Mr. Thanu Pillai, then your position is that, if the Government so require it, it must be done by direct legislation. Is that your position?

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MR. A. THANU PILLAI (*Trivandrum*) : I leave it to the Government. It should not be taken that I mean to say that it will be a proper thing for the Government to legislate with the object of investing Sreepadam officers with these large powers.

PRESIDENT : That is going into the merits of the question.

MR. A. THANU PILLAI (*Trivandrum*) : According to the Rules as they stand this House has no right. I adhere to the strict interpretation of the Rules. While adhering to the strict interpretation of the law I may say that I am not unwilling to have more power. I should not be taken to say that the law when is directly passed will be a wise or good law or one in consonance with good principles of administration. Far from it .....

PRESIDENT : That matter may be left alone. We are at the point of order just now.

MR. A. THANU PILLAI (*Trivandrum*) : I had to refer to it in reference to a question from the Chair.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If under this Regulation an officer of the Sreepadam Palace would be invested with some authority will it be open to this House to take away that power?

MR. A. THANU PILLAI (*Trivandrum*) : I do not understand.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : My point is, there are two aspects of the question the positive side and the negative side. If by positive action this House can empower an officer of the Sreepadam Palace to recover the revenue due to the Sreepadam Palace will the House be competent to take away that authority by negative action ?

MR. A. THANU PILLAI (*Trivandrum*) : I should like to make the point clear. The Bill so far contemplates persons engaged in the collection of revenues. It is only to them that this Bill applies. It will be for the Government to invest any officer or any set of officers they like with these powers. The result would be that any employee of the Sreepadom Palace or any set of employees of the Sreepadam Palace may be authorised. But then the Government will have no control over them.

PRESIDENT : I again invite your attention to the fact that you have to confine yourself to the point of order.

MR. A. THANU PILLAI (*Trivandrum*) : So, I say, if we pass this measure it will not be easy to take away the powers conferred unless we bring forward an amending Bill to define the kind of officers or to withdraw the powers. If the rule be that we have got powers to legislate in one direction, it clearly follows that we have got power to legislate in the contrary way as well. But the question here is whether we have got the power.

PRESIDENT : Mr. Madhavan Pillai, will you kindly give your views.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : I do not feel myself competent.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, with your permission I shall add a word.

PRESIDENT: You cannot claim it as a right.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : That is why I said 'with your permission.'

PRESIDENT : Even then, it is one in which the Chair is called upon to exercise its discretion. If you want yourself to be one of those who have to express their views, you will have to leave it to the Chair to permit you and not make a proposal without the permission of the Chair. It would not be graceful. Anyhow, I shall invite your views. What do you say ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : In regard to the point of order raised, what I wish to state is that this Council is competent to enact this piece of legislation. I do not want to enter into the merits of the question.

PRESIDENT : Please confine yourself to the point of order, if you desire to express your views on it. The objection raised is that, because the measure refers to properties of Sreepadam Palace, it comes under Section 11 (a) of the Legislative Council Regulation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : We find that Section 8 of the Civil Procedure Code enacted by this Council relates to Kandukrishi lands. No objection seems to have been raised to it. So a precedent in this House allows an enactment about properties relating to Kandukrishi and Sreepadam lands. But then this being an important matter which touches the rights of this House, an authoritative ruling is of very great importance as far as this House is concerned. Otherwise, when this Council sanctions the introduction and passing of this legislation and when any one of the members of the House desires to bring in a Bill to amend this legislation, technical objection on the ground of Section 11 (*a*) is likely to be brought forward. I have experienced such a difficulty and that is why I am particular in drawing the attention of the Chair to this.

PRESIDENT : Are suits relating to Sreepadam properties prohibited on the ground that they relate to the affairs of the Royal Family ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : They are not.

PRESIDENT : As far as Kandukrishi lands are concerned suits are not cognisable. They are on a different footing. So far as Sreepadam properties are concerned the suits are with respect to them prohibited on the ground that they contravene the provisions of Section 11 (*a*) or on the ground that the Regulations which are enacted by the Legislative Council will not be applicable to Sreepadam lands.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Section 8 of the Civil Procedure Code applies to Kandukrishi lands.

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PRESIDENT: Is it your objection that the Legislative Council has no right to enact any measure affecting the members of the Royal Family, and that Sreepadam lands belonging to a member of the Royal Family must necessarily be one of the matters which are taken away from the purview of the Legislative Council Regulation?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That was the objection raised.

PRESIDENT: Well, I ask you whether with regard to suits which are brought under the Civil Procedure Code, an enactment passed by this Council, you maintain that they could not be filed because the provisions of the Civil Procedure Code passed by this Council are not applicable to matters relating to the Sreepadam Palace?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not say that they are inapplicable.

PRESIDENT: Then, what is your position? You say that the consideration of this matter would offend the provisions of Section 11 (*a*) of the Legislative Council Regulation or do you say that it is within the purview of the powers of this Council?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I say that from the start it is within the purview of the Legislative Council to enact a measure relating to Sreepadam properties.

PRESIDENT: You say that this Council has power?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes. That is why I said that a ruling is absolutely necessary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I wish to put a question to Mr. Asan.

PRESIDENT: I am afraid, you are not in order. The remarks I made with respect to non-official members who wanted to intervene in this matter must apply equally to the official members. You may suggest a question if you want.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not want to make a speech I merely want to put a question to Mr. Asan, and I request you, Sir, to put a question to Mr. Asan whether his position is that if the measure did relate to Sreepadam lands this Bill is in order.

PRESIDENT: He has expressed himself the other way. He has considered all the aspects of the question and has said that it is within the purview of this Council to enact a measure relating to Sreepadam land. If your views are invited you may meet his point in the course of your speech.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not proceeding to state my views. As I did not quite understand his position. I merely wanted to put the question.

PRESIDENT: Your question does not arise at all.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*) : What I wanted to suggest was this. As regards these properties over which the members of the Royal Family have special rights this Council is not incompetent to enact a law.

PRESIDENT : We are not concerned with that general question. We are now concerned only with the question whether the Bill is in order. What the powers of the Council with respect to other matters, for example, the members of the Royal Family are, need not be considered. You have to confine your remarks to the point of order in question. With reference to other matters a general ruling need not be called for. As I said, we are to confine ourselves to the point in hand.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) ; And that point is whether a legislation which touches Sreepadam properties because some members of the Royal Family have special rights could be enacted by this House. Because an enactment relating to Kandukrishi lands of the members of the Royal Family was allowed, there is the precedent to support my position. I want an authoritative ruling because an amendment of this very same legislation should not be ruled out on the ground of Section 11 (*a*) of the Legislative Council Regulation.

PRESIDENT : Why do you anticipate all that ? As it is, we are only concerned with this Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): We have to anticipate.

PRESIDENT : A ruling on a hypothetical question could not be sought for.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I shall just point out the necessity for a ruling.

PRESIDENT : You may seek for it when an occasion arises and then it would be considered.

I overrule the point of order raised, because, in the light of the provisions of the Statutes especially the Civil Procedure Code and the Revenue Recovery Regulation, I hold that it is within the purview of the powers of this House to enact this measure.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Now then, Sir, I may proceed I was reminding the House, that I had already moved in a previous session that the Bill be read in the Council and the discussion was being proceeded with. Therefore it is hardly necessary for me to recapitulate what I stated then. The House knows well why I wanted a measure of this kind.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether any official of the Sreepadom Palace would be invested with the authority so that the Revenue Recovery Regulation may be brought into operation for recovering the revenue of Sreepadom lands ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether it would be competent for the House by any piece of legislation to take away the authority so invested by this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That does not arise now. I am only moving that this Bill be read in Council.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether this Council is competent to discuss a resolution for abolishing payment in kind of Sreepadom lands?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not considering that point now. And that does not arise in this debate, I am saying just now that the discussion on the Bill may be continued.

MR. A. THANU PILLAI (*Trivandrum*): Sir, am I to begin the discussion?

PRESIDENT: In fact, discussion has proceeded to a certain extent and we will continue that.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I placed certain facts before this House last time in connection with the introduction of this Bill to show that it would be highly undesirable that powers proposed to be conferred upon Sreepadam officers should be so conferred on them. Sir, it is a well-known fact that even though Sreepadam forms part of the Royal Family of Travancore, Sreepadam Department is quite distinct from the Government of this State. Government have absolutely nothing to do with the management of Sreepadam affairs. Of course, if I make a mistake, I hope, the Law Member will correct me. So far as I have been able to see, Government is quite distinct from Sreepadam and Sreepadam is quite distinct from the Government of Travancore. I do not think that even the Head of the Administration can exercise any kind of disciplinary control over the officers attached to the Sreepadam Palace. With this fact clearly in view, we have to proceed and consider whether it is advisable to invest Sreepadam officers with the powers that are now proposed to be conferred upon them. We have to see in this connection what those powers are. The powers under the Revenue Recovery Regulation that are now exercised by the Dewan Peishkars, Tahsildars and other officers are of a very extensive kind. The existing Revenue Recovery Regulation authorises Revenue officers and other officers, to attach properties, movable and immovable, and to sell them, and realise the revenues due to Government. A mere statement of this fact shows clearly the extent of powers exercised by these officers. Attachment of properties movable and immovable of any land-holder from whom rent is due, proclaiming them for sale, and selling them that is a kind of power which these officers are exercising. Sir, it is clearly an alarming proposition that such powers should be conferred upon

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persons over whom Government have absolutely no control. Now the amount of harm that might be caused to private land-holders simply because they happen to be holders of lands under Sreepadam, will be really great and it is quite unsafe for any Government to invest any set of persons with such large powers over whom Government have no control. If the Government had any voice in the appointment of these persons, if they could control their actions, if they could remove them--in that case conferment of powers would have been quite a different matter. I thought that Government would come forward with a proposal wherein provision would be made for the disciplinary control by Government over the Sreepadam employees and their officers. The object of the Bill is this. In the statement of objects and reasons it is stated thus;

"Section 58 of the Revenue Recovery Regulation (1 of 1068) empowers Government to invest any officer with the powers of a Peishkar, Tahsildar or Proverthicar under the Regulation. The term 'officer' is not however defined, and doubts have been felt whether any officer of the Sreepadam Palace or of a Municipality could be lawfully invested with the powers. To remove such doubts an "Explanation" is proposed by this Bill, to be added to Section 58."

That clearly shows the extent of powers sought to be conferred on the employees of the Sreepadam Palace; such powers are now exercised by Peishkars, Tahsildars, and Proverthicars. No doubt the present law says that Sreepadam dues are to be public revenues. But if they are so, the machinery for collecting these dues should not be left entirely in the hands of the Sreepadam Palace. We understand Sreepadam dues being considered as public revenues for being collected in accordance with the provisions of the Revenue Recovery Regulation. My only point is that power should not be invested in officers over whom the Government have no control. If Sreepadam authorities are willing to see that officers are appointed controlled and removed by Government, then there is no objection to this law going into the Statute Book. But to say that Sreepadam Palace should have independent control and Government should not have anything to do with it, then it seems to me, that the proposition that the Sreepadam officer should be invested with such powers, is a proposal which this Council should not countenance.

There is also the question of Municipalities coming in. Personally I do not think there is any objection to any Municipal employees being invested with these powers, because Government have control over them and as a matter of fact Government do appoint municipal employees.

PRESIDENT: How do the Government exercise control over them?

MR. A. THANU PILLAI (*Trivandrum*): There are provisions in the Municipal Regulation relating to the appointment of Municipal Officers which give power to Government to appoint them, no doubt, with the sanction of the Municipal bodies. Anyhow Government do exercise

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[Mr. A. Thanu Pillai.]

control. At any rate the Higher Officers are appointed by Government, Presidents are appointed by Government, Government have also financial control over Municipal Bodies. So if I am right, Higher Grade Officers are appointed by Government, and, that being the case, there cannot be much objection the Municipal employees being invested with these powers. Not only that. Municipalities are subject to the control of the people. It is not so with Sreepadam Palace. I should not be taken to mean any disrespect to the Sreepadam Palace. It is a matter affecting the fundamental rights of the people. So with all respect to the Sreepadam Palace and with all anxiety to see that its dues are collected and every facility is given for that, I feel constrained to oppose this Bill on the grounds I have stated.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I also oppose the Bill. Besides the observations of my friend Mr. A. Thanu Pillai, I beg to submit that this Bill is dangerous because it is vague. One more point is that from the provisions of the Bill the expression "officer" includes, for the purposes of this Section, every officer of Our Government and every officer of a Municipality as also every person employed or engaged in, or responsible for, the collection of any public revenue or dues of any local authority.

Then the question arises what is meant by "local authority". Whether a Jenmi or the officer employed by Edapalli or other chieftains and whether they are also empowered with the authority to exercise the provisions of the Revenue Recovery Regulation.

PRESIDENT: You are referring to the realisation of arrears due to other bodies.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So far as the wording of the particular explanation is concerned we are at a loss to understand the real definition, because the Bill does not give any instance of what local authority is. I do not know whether a rich Jenmi could be accepted as the local authority or whether such Jenmies' officers can be accepted as the local authority for purposes of the Revenue Recovery Regulation.

PRESIDENT: Does it not refer to public bodies to which the Revenue Recovery Regulation may be made applicable? Municipality is a local authority. There may be other local authorities to which may be extended the right of recovery of arrears under the Revenue Recovery Regulation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): We have to know what the proposer of the Bill has to say and what is meant by "local authority". It is not a question of interpretation which I propose to give. Local authority may mean anything and everything and so, the danger also is present in the Bill. In a measure of this kind, the one point that we have to consider is, whether theGovernment have any

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control over Sreepadam Palace. When we have no idea of the status of officers to be invested with powers and when they put the law into operation, under such circumstances, it is only with caution such enormous powers can be conferred on them. The Executive as such has no control over the Palace employees. They are not subject to the provisions of the T. S. R. Such being the case, Palace employees are free to do anything and everything. They could put in superannuated men and men who have no qualifications can also be appointed. Any man, whether he has qualifications, whether he is a wicked man or whatever it be, Sreepadam Palace may employ such men and we will not be allowed to question the affairs of the Palace. Many a time it has been urged in this Council that powers delegated by Government should be properly scrutinised and see that they are discharged well by their subordinates. If a man happens to be wicked and if he is allowed to exercise powers under the Regulation we can all imagine the danger that will be caused to the public. We cannot table a resolution to remove such a man. Such being the case it is a very dangerous piece of enactment and without the House being allowed to have some sort of control over the Sreepadam Officers the Bill cannot be allowed to go into the Statute Book. That aspect of the question has to be gone into thoroughly.

Again there is no Statute which defines that Sreepadam is a local authority. This is the first piece of legislation from which we come to understand that Sreepadam can be treated as a local authority. That doubt is there. Can it for all purposes be taken to be an institution meaning for local authority. So, before accepting it as the local authority all the privileges must be given to this House to consider this aspect of the matter with special reference to Sreepadam Officers, before recognising this institution as a local authority. With reference to all these matters I submit this Bill is a dangerous piece of legislation and it cannot be allowed to be passed in this House.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Sir, I beg to support the principle of the Bill generally.

As regards the Municipal Councils, there is considerable control by the Government for the administration of the Municipality. Every appointment in the Municipal Offices is made by the President under a special power of delegation authorised by Government as in the case of other departments. Up to a certain amount of Rs. 40, the Municipal President is allowed to make appointments. Where it exceeds that amount sanction of the Government has to be obtained. Within limits within which he is allowed to make appointments, he is allowed to grant leave, make suspensions and dismissals. In other cases, like other departmental heads he has to refer to Government and abide by the Standing Orders thereto. Recruitment of the staff should be in accordance with rules issued from time to time by Government under the T. S. R. There is the budgetary control by the Government. No Municipal body is competent to spend any money not included in the Budget sanctioned by Government. So far as Municipal Councils are concerned there may not be any manner of doubt

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[Rao Bahadur K. A. Krishna Aiyangar.]

that these public institutions are even now under the control of Government in several directions. The accounts in Municipalities are audited by officers sent out by the Audit Department. Objections sent out by the Audit Department have to be explained by the municipal authorities. Any expenditure not covered by the sanction of the Council or under the general sanction of the budget is not an item of expenditure which the Account Officer would pass. The Municipality is a public body and the power of realising their dues in a summary manner under the coercive process of the Revenue Recovery Regulation have been exercised ever since the inauguration of these Municipal Councils. And Government have in some instances invested particular officers of the Municipal Council, some with the authority of a Tahsildar, some with the authority of a Peishkar and in all cases, the right of attachment is confined to movables. From the statement of objects and reasons in the Bill, I find that doubts have been expressed as to the competency of the municipal bodies to proceed under the Revenue Recovery Regulation for realising their outstandings. I presume doubt also must have been raised as to the competency of Government to invest these officers of Municipal Councils with authority to proceed under the above Regulation. If things have reached that stage, there cannot be any doubt that the remedy should be provided at the earliest opportunity, so that, these popular institutions might carry on their functions without having to face the alternative of going to Civil Courts for the recovery of 5 fanams under license or six chackrams as house tax. The mover Mr. K. P. Nilakanta Pillai was apparently labouring under a misapprehension that the word local authority has not been defined. It appears to me a local authority has been understood as a statutory body which is allowed to exercise certain definite functions for looking after the affairs of particular localities. The Municipal Councils, perhaps the Village Panchayats, Taluk Boards and District Boards are all constituted on a statutory basis. All the local bodies are distinct from the general paramount authority of the State represented by the Government. I therefore submit that as a matter of principle, these local bodies should be nursed with sympathy and consideration by Government and all legitimate help be given to them.

As regards the extension of the Bill to the officers of the Sreepadam Palace, in the larger interests of the public, there is no denying the fact that some sort of control ought to be exercised, insisting on certain service qualifications being complied with. Some sort of pensionary contribution should be made by Municipal Councils year after year and when the officers retire, they can draw their pensions from Government. Some sort of security of tenure ought to be created in favour of these officers also. As I submitted, they are entitled to collect arrears of tax under the existing law itself. We are now proceeding a step further as to whether Government have got authority to extend their statutory power to officers of the Sreepadam Palace for exercising powers which Proverthicars, Tahsildars and Peishkars exercise. This is the question now. If doubts have been raised, no

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doubt, they should be set at rest. All abuse of powers under the Regulation should be checked and protective measures adopted. There should be some sort of disciplinary control, some sort of permanency secured, to officers working there, to save them from temptation. I may submit, Sir, that up till now, I have not heard any complaint of any officer of Sreepadam Palace. But in considering a piece of legislation, it is no doubt open to Government to provide necessary safeguards. To throw out this Bill by saying that Government have not got any control over Sreepadam Officers, would be nullifying the effect of the provisions of the Revenue Recovery Regulation.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether it is not the practice to collect Sreepadam dues by means of the Revenue Recovery Regulation through Government Officers?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I do not know anything about it. I accept my friend's statement as correct. That does not in any way interfere with the principle which we are at now. The interests of Government, barring the charges of maintaining the officers of the Sreepadam Palace to collect arrears of dues, do not suffer. Perhaps it is better policy to ask them to nominate their own officials to realise the dues and empower them to do so.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether it is a proposal that provision should be made in this Bill for providing safeguards as regards control over Sreepadam officers?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): It is a matter of detail to be worked out in the Select Committee. At present I am generally for affirming the principle of the Bill. There is no use saying that Revenue Recovery Regulation has a provision to collect Sreepadam dues and that Sreepadam revenue is public revenue and at the same time saying we would not allow them to recover arrears under the Regulation. It is no use asking Government officers to do Sreepadam work which is not Government work for which no contribution is levied. Perhaps, the better course will be, to ask them to make a contribution for the maintenance of the staff or recruit their staff subject to the provisions of the Civil Service Regulations. Our paramount idea at present is to protect the interests of land to protect the interests of land-owning classes whether in or outside the Edavaka. Both the officers of Government and Sreepadam Palace officials should be placed on an equality of status, so far as recovery of revenue is concerned. It will not be fair to say, having given them the necessary right that they would not be provided with the necessary agency to exercise those powers, to collect their outstandings. With these observations, I am, generally, for the principle of the Bill being affirmed.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, it is not my intention to take the time of the House at this late hour of the day. But I wish to submit one word. That is, to thank

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[Mr. S. Piraviperumal Pillai.]

you for giving us, as a result of this Bill, the opportunity to discuss a Bill which otherwise would not have been allowed to be discussed. This Bill has removed some of our disabilities, Sir.....

PRESIDENT: I do not know whether you are in order; because, your observations touch the ruling already given by the Chair. The discussion of a ruling already given by the Chair is not permissible.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): After hearing what the members on both sides of the House have spoken on this Bill, I am afraid, Sir, that, so far as I am concerned, it has become a conflict between my head and my heart. My heart supports the principle of the Bill; but my head opposes it.

PRESIDENT: And, what is the result? (*Laughter.*)

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): The result can be known only at the time of voting. (*Laughter.*)

Sir, the views of most of the members have been placed before the House; and we would shortly be called upon to vote. As I have already stated, my heart supports the principle of the Bill, but my head opposes it. It is just to bring this point to the notice of the House that I rose to speak on this motion now before the House.

PRESIDENT: Evidently, Mr. Piraviperumal Pillai wants to reserve his views till the time of voting.

MR. P. S. MAHOMED (*Nominated*): പബ്ലിക്കറവന്യൂ പിരിക്കുന്നതിനുവേണ്ടി ചില ഉദ്യോഗസ്ഥന്മാരെ നിയമിക്കുന്നതിനെ സംബന്ധിച്ചോ അല്ലെങ്കിൽ അവരിൽ ചിലക്കു ചില അധികാരങ്ങൾ നൽകുന്നതിനെ സംബന്ധിച്ചോ ആകുന്ന ഈ ബിൽ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. ഇപ്പോൾതന്നെ ഈ റവന്യൂവിൽ പലതും പലരും പിരിക്കുന്നു. ഗവണ്മെൻറു റവന്യൂവിനെ സംബന്ധിച്ചു യാതൊരു തക്കവും ഇല്ല. പിന്നെ മുൻസിപ്പാലിറ്റിപോലെയുള്ള പൊതു സ്ഥാപനങ്ങളിൽ റവന്യൂപിരിക്കുന്നതിനെ സംബന്ധിച്ചു നാളതുവരെ സ്വീകരിച്ചിരിക്കുന്ന നയംതന്നെ മേലും തുടർന്നുകൊണ്ടുപോകുന്നതിൽ എന്തോ ഒരു സംശയം ഗവണ്മെൻറിനു തോന്നിയതുകൊണ്ടാണു് ആ സംശയനിവൃത്തി വരുത്തുന്നതിനുവേണ്ടിമാത്രം ഈ ബിൽ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതു്.

മുൻപു നടത്തിവന്ന സംഗതികളെ ഇല്ലാതാക്കി പുതുതായ സംഗതികളെ ഉണ്ടാക്കുന്നതിനോ മുൻപു ഇല്ലാതിരുന്ന എന്തു ജനങ്ങൾ വിശ്വസിച്ചിരുന്ന ഒരധികാരത്തെ പുതുതായി സൃഷ്ടിക്കുന്നതിനോ അല്ല ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതു്. മുൻപു നടന്നുകൊണ്ടിരുന്ന

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സംഗതികളിൽ ന്യൂനതകൾ ഉണ്ടെങ്കിൽ അവയെ നിയമത്താൽ ഒന്നുകൂടി വ്യക്തപ്പെടുത്തി വ്യക്തമായ രീതിയിലുള്ള അധികാരം നൽകാം എന്നുള്ളതാണ് ഈ ബില്ലിന്റെ ഉദ്ദേശം.

MR. R. RAMAN PILLAI (*Kottayam*): ശ്രീപാദം വസ്തുക്കളുടെ കരം ഗവണ്മെൻറിൽനിന്നും അല്ലേ പിരിക്കുന്നത്?

MR. P. S. MAHOMED (*Nominated*) : ഗവണ്മെൻറുനാളതുവരെ പിരിച്ചു.

MR. R. RAMAN PILLAI (*Kottayam*) : അവർക്കു ഗവണ്മെൻറു വല്ല അധികാരവും കൊടുത്തിട്ടുണ്ടോ ?

MR. P. S. MAHOMED (*Nominated*): ഇപ്പോൾ അവരെ മാത്രം ഉൾപ്പെടുത്തുന്നില്ല. അവർക്കുതന്നെ അധികാരം കൊടുത്തിരിക്കുന്നു.

റവന്യൂ പിരിക്കുന്ന വിഷയത്തിൽ എന്തധികാരമാണ് നൽകേണ്ടതു്? ആരെയാണു് നിയമിക്കേണ്ടതു്? അതു മുഴുവനും സ്ഥലങ്ങൾക്കാണു് എന്നുള്ള സംഗതികൾ സിലക്ട്കമ്മിറ്റിയുടെ ആലോചനക്കുശേഷം ഇവിടെ നിശ്ചയിക്കേണ്ട സംഗതികളാണ്. ഇപ്പോൾ ആലോചിക്കേണ്ടതു പബ്ലിക്ക് റവന്യൂ പിരിക്കുന്നതിനു ചില ഏജൻസികൾക്കും അധികാരം കൊടുക്കണം എന്നുള്ളതാണ്. അതിനാൽ അതിന്റെ തത്വത്തെ സ്വീകരിക്കുന്നതിൽ ആക്ഷേപം യാതൊരു തടസ്സവും ഉണ്ടാകുമെന്നു തോന്നുന്നില്ല.

MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavankod*): ഈ ബില്ലിനെ സംബന്ധിച്ചു് എനിക്കും രണ്ടുവാക്കു പറയാനുണ്ടു്. റവന്യൂ റിക്കവറിറഗുലേഷൻ മുൻസിപ്പാലിറ്റി കരം പിരിക്ക, ബ്ലാക്കുബോർഡ്സെസ്സ് പിരിക്ക തുടങ്ങിയുള്ള സംഗതികളിലും ഗവണ്മെൻറു കാര്യാദികളിലും മുൻനിത്തിപ്രവർത്തിച്ചുവരുന്നുണ്ടു്. ശ്രീപാദംവസ്തുക്കളെ സംബന്ധിച്ചും റവന്യൂറിക്കവറി റഗുലേഷൻ ഉപയോഗിക്കുന്നതിൽ ഈ കൌൺസിലിൽ ഇരിക്കുന്ന ആക്ഷേപംതന്നെ യാതൊരുനഷ്ടവും വരാനില്ല. ഗവൺമെൻറുമനസ്സുവച്ചുമായി വിചാരിക്കുന്നപക്ഷം കൌൺസിലിന്റെ പരിധിയിൽ ഉൾപ്പെടുത്താതെതന്നെ പലറഗുലേഷനും ചട്ടങ്ങളും ഉണ്ടാക്കാൻ സാധിക്കും. എന്നാൽ പ്രത്യേകമായ ഒരുസംഗതിക്കുവേണ്ടി റവന്യൂറിക്കവറി റഗുലേഷൻ ഉപയോഗപ്പെടുത്തി അധികാരങ്ങൾ കൊടുക്കുന്നതു നന്നായിരിക്കയില്ല. കൊവാപ്പറേറീവു് സൊസൈറ്റിയിലെപണം പിരിക്കുന്നതിനു റവന്യൂറിക്കവറിറഗുലേഷൻ ഉപയോഗിച്ചാൽ എങ്ങിനെയോ അതുപോലെയാണു് ശ്രീപാദംവസ്തുക്കളെ സംബന്ധിച്ചും ഇതേപ്പറ്റിയുള്ളതു്. ഇ

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[Mr. T. C. Kesava Pillai.]

തിൽ മുനിസിപ്പാലിറ്റി എന്നു ചേർത്തിരിക്കുന്നതു് ശ്രീപാദത്തെക്കൂടി ഉൾപ്പെടുത്താൻ വേണ്ടിമാത്രമായിട്ടാണെന്നും തോന്നുന്നു. മുനിസിപ്പാലിറ്റിയിൽ ഇപ്പോൾതന്നെ അമിനാദരെ പ്രവൃത്തികാരെന്നും. ഇൻസ്പെക്ടരെന്നുമുദ്യോഗശീർഷർ എന്നും പ്രസിഡൻറിനെ പേഷ്കാരെന്നും പറയുന്നുണ്ടു്.

MR. P. S. MAHOMED (*Nominated*): ഈ അധികാരങ്ങൾ ഗവണ്മെൻറിൽ നിന്നും ഇപ്പോൾ കൊടുത്തിട്ടുണ്ടോ?

MR T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): ഇപ്പോൾതന്നെ കൊടുത്തിട്ടുണ്ടു്. മുനിസിപ്പാലിറ്റിയുടെ ഈ അധികാരം കൊടുക്കുന്നതു കൊണ്ടു ദോഷമില്ല. എന്തുകൊണ്ടെന്നാൽ മുൻസിപ്പാലിറ്റിയുടെ പ്രവൃത്തിയിന്മേൽ അപ്പീൽ കൊടുക്കുന്നതിനു അവകാശമുണ്ടു്. ശ്രീപാദത്തെ സംബന്ധിച്ചു് അങ്ങിനെയില്ലാത്തതിനാൽ ഈ അധികാരം കൊടുക്കുന്നതുശരിയല്ല.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): The Legislative Council is intended to legislate only on matters affecting the public of Travancore. It is now very curious to note that we are being called upon to legislate on matters affecting private bodies also.

PRESIDENT: The Statute does not treat the Sreepadam Palace as a private body; because, it has been declared in it that the arrears due to it are arrears of public revenue for the purpose of this Regulation. When the whole Regulation is sought to be amended, then it would be time enough for you to consider the question that you are now attempting to raise.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I have got my own arguments to prove that the Sreepadam Palace is a private body. The revenue collected by the Sreepadam Palace is not in any way spent for public benefit. The Sreepadam Palace collects revenue and utilises it for its own private purposes. So, when not even a single cash out of its revenue is spent for public purposes, how can that body be treated as a public body, and its revenue as public revenue for the purpose of collection of arrears? In the case of the municipalities, the question is quite different. The Municipality is a local authority. It collects local revenue and spends it for the benefit of the local people. In this matter, therefore, the Sreepadam Palace is quite distinct from the municipalities.

Secondly, while powers are now sought to be conferred on the Sreepadam Officers, there is absolutely no provision ensuring that they would in any way be made responsible for their acts in the exercise of these powers. Suppose, a wrongful attachment or wrongful sale of property is made by a Sreepadam Officer. Is there any provision, in this Amendment Bill now before the House or in the Revenue Recovery Regulation itself, to punish the Sreepadam Officer concerned for

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the wrongful attachment or sale? On the other hand, in the case of other officers invested with the powers, there is provision for their punishment for wrongful exercise of power. The Bill seeks to give the Sreepadatm Officers all the benefits in regard to the collection of revnue, while, at the same time, they are left scott-free in regard to their misdeeds. They get all advantages but are not subject to any of the liabilities. It is therefore a partial legislation so far as the Sreepadam Officers are concerned. We are asked now to accept the principle of this piece of legislation without considering the good and the bad aspects of it; and the Bill deals with a matter which affects the people of the State very seriously. I therefore oppose the introduction of the Bill.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I would also strongly oppose the motion for the introduction of this Bill. At the outset I may say that I am at one with my friends on this side of the House who opposed the motion. To me it seems that the subject-matter of this Bill violates the first principles of law. It is one of the important canons of law that every right has a corresponding duty. But in this matter, what we are called upon to do is to invest certain authorities with certain powers; and these authorities as we have already heard from the members who have spoken against the Bill—have no corresponding duty. Mr. Kesava Pillai pertinently remarked in the course of his speech that not even a single cash out of the Sreepadam revenue is being spent for the benefit of the public. In view of that circumstance and in so far as even the Government do not say that they have any effective control over these Sreepadam Officers, it is dangerous to invest the Sreepadam Officers with such powers. I may be permitted to observe in this connection that there is a lot of complaint even now against the enforcement of the provisions of this Revenue Recovery Regulation and the Rules thereunder. The Rules themselves are very rigorous, and they are more rigorously applied. It is therefore not at all desirable to extend the operation of these Rules any further, particularly to authorities over whom the Government have not got any control. For these reasons, I strongly oppose the motion for the introduction of this Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in considering the principle of the Bill, I think certain points have to be clearly borne in mind to decide what exactly is the point to be judged by the House. That the revenue due to the Sreepadam Palace is 'public revenue' has been settled by the Regulation itself in the definition of 'public revenue' contained in it. That question is not now before the House. That provision *is* there, already in the Regulation. It must also be conceded that Sreepadam Revenue also, being public revenue under the Regulation, may be collected by the officers of Government by resorting to the processes provided for in the Regulation. What is now proposed by me in this Amendment Bill is that the powers of recovery under this Regulation may be conferred on persons who, though not officers of Government, are yet responsible for the collection of the Sreepadam revenue which, as already explained, is 'public revenue' under this Regulation.

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MR. R. RAMAN PILLAI (*Kottayam*) : അവരുടെ പ്രവൃത്തികൾ പരിശോധിക്കുന്നതിന ഗവണ്മെൻറിനധികാരമുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അതിനെപ്പറയുവാൻ പോവുകയാണ്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) ; May I bring to the notice of the President the time now?

PRESIDENT : I see it. We are nearing the close. After the Law Member's reply votes can be taken.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If it is going to be only the reply by the Law Member, then it does not matter at all. But, it is because there is the voting that I am now anxious about the time. It is getting late, and the members on this side of the House have, one by one, left the Hall.

PRESIDENT : Is there a fixed time-limit for each day's sitting, that it shall stop precisely at five o'clock. No. It is better that we finish this Bill. We have only one day, in this sitting of the Council, for official business.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Now, Sir, the main objection raised to this Bill seems to be that it would be dangerous to invest the Sreepadam Officers with the powers of the Dewan Peishkar, or of the Tahsildar or of the Proverthikar since they are not subject to Government control. I submit, Sir, that, apart from the question of the soundness or otherwise of this argument in regard to the present question, and assuming that this argument would apply to the present question, I submit that there *is* control over the Sreepadam Officers for all the purposes of this Regulation. Sir, control may be either over the person concerned or over the exercise by him of the powers concerned. In regard to the exercise of the powers, there *is* control because an appeal lies to the Dewan Peishkar and then to the Dewan. And, in regard to the control over the person concerned, the maximum control conceivable is the power to dismiss him ; and, in the case of the Sreepadam Officers, Government *have* the right to withdraw the powers from the abusing or misusing Officer, which would mean that for the purpose of this Regulation, and for all practical purposes, dismissing him from the office of power under this enactment. Government have got the power to withdraw the powers. After such withdrawal the officer ceases to exist as such, for all practical purposes. Government, therefore, can inflict on the offender the maximum punishment possible ; they can exercise the maximum control over these officers.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Will that remedy mitigate the grievances of the people whose properties have been wrongfully attached or sold by these officers, this withdrawal of the powers?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have to answer that question by putting another question to Mr. Kesava Pillai himself. Suppose a Government Officer, completely under the control of Government, wrongfully attaches and sells the property of a person; and the Government severely punish say, even dismiss that officer: how will that mitigate or redress the grievances of the person who has suffered by the wrongful attachment? The argument here, against the Sreepadam Officers being given the powers of the Revenue Officers, was that they (the Sreepadam Officers) are not subject to the control of Government. I submit that only two ways of control are conceivable, one over their functions and the other over their persons. In the present instance, there is control over their functions since appeal lies to the Dewan Peishkar and then to the Dewan.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): For the purpose of his argument, my friend Mr. Paramesvaran Pillai now says that an appeal would lie to the Dewan Peishkar and then to the Dewan. The enactment now under consideration provides the officers of the local bodies being given the powers of the Dewan Peishkar or of the Tahsildar or of the Proverthikar. May I take it, from the argument now advanced by my friend, that it is a distinct assurance that he now gives on behalf of Government that the officers of these local bodies would never be invested with the powers of the Dewan Peishkar, so that an appeal would always lie to the Dewan Peishkar in the first instance and then to the Land Revenue Commissioner and then to the Dewan? If he is not prepared to give that assurance, there is not much weight in his advancing it as an argument that an appeal would always lie to the Dewan Peishkar.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under the proposed measure the powers of the Dewan Peishkar or of the Tahsildar or of the Proverthikar may be conferred on the officers of these local bodies.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the learned Law Member whether there is anything in the enactment to prohibit the officers of the Sreepadam Palace being invested with the powers of a Dewan Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So, from the decision of the Dewan Peishkar, to what other officer would an appeal lie?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To the Land Revenue Commissioner in the first instance, I believe, and then to the Dewan.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does an appeal lie from the decision of the Dewan Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think so, perhaps a revision. However, that is a matter of detail which may be considered by a Select Committee.

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MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): May I know from the learned Law Member the particular Section which gives the right of appeal from the decision of the Dewan Peishkar?

MR. R. RAMAN PILLAI (*Kottayam*): അതിലേക്ക് വേണ്ട പ്രൊവിഷൻ ഉണ്ടാക്കിയാൽ മതി.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a matter of detail which may be considered by a Select Committee.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether there is any provision in the existing Regulation with regard to that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There *is* provision for appeal.

MR. A. THANU PILLAI (*Trivandrum*): Is it not possible, under the proposed enactment, that the Sreepadam Officers could be given the powers of the Proverthikar, of the Tahsildar and of the Peishkar also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It *is* possible.

MR. A. THANU PILLAI (*Trivandrum*): How will an appeal lie from the decision of the Dewan Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There *is* an appeal to the Dewan.

MR. A. THANU PILLAI (*Trivandrum*): Only revision, no appeal.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If that is the point, that can be considered by a Select Committee.

MR. A. G. MENON (*Parur*): Have the Government got any right to look into the accounts of the Sreepadam Palace?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How does the question of accounts arise now? The Sreepadam revenue has been declared to be 'public revenue'.

MR. A. G. MENON (*Parur*): *You* say so; *You* call it public revenue that is all.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not I alone; the *Regulation* says so.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): If the present Amendment Bill is carried, will an appeal lie from the decision of the Dewan Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I have already stated if that is the only point—I believe there *is* an appeal or revision that may be considered by the Select Committee. But what I submit for the consideration of the House is that the Government *do* have control over these Sreepadam Officers also, all manner of control for all purposes of this Regulation.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the Sreepadam Palace would be prepared to act according to the

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Service Regulation and other Government Rules in regard to the recruitment, leave, punishment and such other matters relating to their officers? They want, for their officers, the powers of the officers of Government, are they prepared to have the same standard as the Government have for the recruitment of *their* Officers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not prepared to give any assurance on that point.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Sreepadam revenue is to be treated hereafter as public revenue?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is even now public revenue for the purpose of this Regulation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is for the purpose of collection alone; I want to know whether it could hereafter be treated as public revenue for *all* purposes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a hypothetical question which I shall answer when the circumstances to which the answer is to be applied are placed before me.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even under the Municipal Regulation, there is no appeal or revision from the decision of the Dewan Peishkar.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There *is* an appeal under the Municipal Regulation. That, at any rate, is my impression. Perhaps, I may be wrong.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I remind the learned Law Member that, unless notice is given as prescribed in the Schedule attached to the Municipal Regulation, and it is treated as public revenue in conformity with the provisions of the Municipal Regulation, no appeal would lie from the decision of the Municipal President?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I was only suggesting that an appeal may lie under the Municipal Reguation also.

In regard to the control over the Sreepadam Officers, as the provision stands at present, it seems there may not be any appeal proper over the decisions or acts of such of them as happen to be invested with the powers of the *Dewan Peishkar*. But, if that is the only complaint, I think that it may be considered by a Select Committee.

MR. A. THANU PILLAI (*Trivandrum*): Does not the Law Member see that there may be certain mis-deeds by these Officers which cannot be properly remedied by means of an appeal alone?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That applies to the Officers of Government also. We are not now on that point.

As I have been submitting, Sir, the only objection to this measure seems to be that the Sreepadam Officers are not under the control of Government. I submit, the Government *do* have control over these Officers to the extent that is necessary.

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MR. A. THANU PILLAI (*Trivandrum*): Can the Government dismiss the Sreepadam Officers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government can *virtually* dismiss them by withdrawing the powers conferred on them. The Officers would then cease to function under this Regulation.

MR. A. THANU PILLAI (*Trivandrum*): Government may withdraw his powers; but the Sreepadam authorities may increase his salary. The Government have no control over that. The so-called control that the Law Member speaks of will not have any effect on the Officer concerned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government may never more confer the powers on such an officer.

MR. A. THANU PILLAI (*Trivandrum*): But, he may still have employment under the Sreepadam Palace.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are not now considering the question of punishing or taking disciplinary action against the Sreepadam Palace Officers, *generally*. The question now is whether the *Government* have any control over them *when they function under this Regulation*; and, I submit that the Government *do* have control, firstly, over their functions since there is appeal or revision over their acts and decisions, and secondly over their persons because the Government can deprive the abusers or misusers, of the powers conferred on them under this Regulation. I therefore submit, Sir, that the objection to the proposed measure does not seem to be substantial. The *principle* of the Bill may therefore be accepted; and, if, any detail has to be worked out, that may be done in the Select Committee.

The question that the principle of the Bill may be accepted by the House was then put to vote and carried.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I demand a poll.

MR. A. THANU PILLAI (*Trivandrum*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES—22.

1.	Mr. L. A. Bishop.	12.	Dr. K. Raman Tampi.
2.	,, I C. Chacko.	13.	Mr. S. C. H. Robinson.
3.	,, R. Dhanukoti Pillai.	14.	,, R. Vaidyalingom Pillai.
4.	,, K. George.	15.	,, J. S. Westerdale.
5.	,, P. Gomatinayakam Pillai.	16.	,, D. Francis.
6.	,, P. N. Krishna Pillai.	17.	,, D. C. Joseph.
7.	Rao Sahib Dr. N. Kunjan Pillai.	18.	Rao Bahadur K. A. Krishna Aiyangar.
8.	Mr. T. K. Madhavan Nayar.	19.	Mr. V. S. Krishna Pillai.
9.	,, E. G. McAlpine.	20.	,, P. S. Mahomed.
10.	,, R. Nilakanta Pillai.	21.	,, S. Piraviperumal Pillai.
11.	,, Kayalam Paramesvaran Pillai.	22.	,, Revati Nal Rama Varma Raja.

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NOES—19.

1.	Mr. A. S. Damodaran Asan.	11.	Mr. Matthew Murikkan.
2.	Mrs. Elizabeth Kuruvila.	12.	,, G. P. Nilakanta Pillai.
3.	Mr. A. G. Menon.	13.	,, K. P. Nilakanta Pillai.
4.	,, Ittoop Itteechan.	14.	,, Muruvelil Pachu Pillai.
5.	,, R. Kesava Pillai.	15.	,, K. Padmanabha Panikkar.
6.	,, T. C. Kesava Pillai.	16.	,, K. G. Paramesvaran Pillai.
7.	,, N. K. Krishna Pillai.	17.	,, L. R. Raja Raja Varma Koil Tampuran.
8.	,, A. C. Kuriakose.		
9.	,, K. Madhavan Pillai.	18.	,, R. Raman Pillai.
10.	,, H. B. Mahomed Rowther.	19.	,, A. Thanu Pillai.

NEUTRALS—4.

1.	Mr. V. Chellam Pillai.	3.	Mr. K. N. Kesavan Namputiripad.
2.	,, K. C. Karunakaran.	4.	,, Tamarapallil Kochu Tomman.

The motion accepting the general principle of the Bill was carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At first, Sir, I did not think that this Bill would have to go to a Select Committee; but having regard to the points that have been raised here today, I move that the Bill may be referred to a Select Committee, consisting of the following members, to report within *three* months:

1. Rao Bahadur K. A. Krishna Aiyangar,
2. Mr. A. Thanu Pillai,
3. ,, K. P. Nilakanta Pillai,
4. ,, A. S. Damodaran Asan,
5. ,, S. Piraviperumal Pillai,
6. ,, Matthew Murikkan,
7. ,, S. C. H. Robinson,
8. ,, K. George,
9. ,, P. N. Krishna Pillai, and
10. myself (Mr. Kayalam Paramesvaran Pillai)

PRESIDENT: You would be the Convener, Mr. Paramesvaran Pillai, and the Deputy President would be the Chairman of the Committee.

The Council adjourned at 5-20 P. M.

P. N. KRISHNA PILLAI,
Secretary to the Legislative Council.

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